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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,815

03/10/2004

Michael Shammai

584-30094-US

7484

24923

7590

10/12/2006

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EXAMINER

THOMPSON, KENNETH L

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,815

Applicant(s)

SHAMMAI ET AL.

Examiner

Kenneth Thompson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-24, 26, 32, 33, 35-38, 41, 48, 49 and 52 is/are rejected.
- 7) ☒ Claim(s) 25, 27-31, 34, 39, 40, 42-47, 50, 51 and 54-58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-24, 26, 48, 49 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Shwe et al., U.S. 5,587,525.

Regarding claim 22 and 24, Shwe et al. discloses pumping to remove fluids and tracking fluid pressure and volume (col. 8, lines 17-23) and estimating the flow rate (col. 8, lines 63-68) to find permeability (col. 9, lines 1-4).

As to claim 23, Shwe et al. discloses tracking piston position (via 111).

As to claim 26, Shwe et al. discloses measuring pressure (108) in a flow line (70).

Regarding claim 48, 49, and 53, Shwe et al. discloses a pump (24), position indicator (111), pressure gauge (108) a processor (21) to determine bulk compressibility (col. 8, lines 37-45).

As to claim 52, Shwe et al. discloses a sample chamber (18), and flow line (70)

Art Unit: 3672

Claims 32, 33, 35-38 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Dave et al., U.S. 5,269,180.

Regarding claim 32, Dave et al. discloses estimating flow rate and pressure (col. 11, lines 63-67) using single probe steady state interpretation, obtaining end point permeabilities (col. 12, lines 4-8) and estimating oil/water saturation.

As to claim 33, Dave et al. discloses maximizing the pumping rate of water (col. 13, lines 19-26) to acquire the fluid in a single phase

Regarding claim 35, 36, 38 and 41, Dave et al. disclose a controllable volume (via 62) pump (92) having a pressure gauge (58) and a programmed processor (A; M) to optimize retrieval (col. 4, line 54 – col. 5) from a flow line (54) and estimate permeability (A; F).

As to claim 37 and 41, Dave et al. discloses use of sample chamber module (S) for the fluid.

***Allowable Subject Matter***

Claims 25, 27-31, 34, 39, 40, 42-47, 50, 51 and 54-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 4 August 2006 have been fully considered but they are not persuasive.

Applicant argues the prior art of Shwe does not estimate the flow rate of the fluid from the formation from the measured pressure in addition to the volume; and makes no mention of pressure in the described determination of flow rate.

The prior art discloses in column 8, beginning of the first full paragraph, measuring fluid pressure changes; and correlation with volume:

As can be observed by referring to FIG. 1B, which is a graphic representation of measured pressure with respect to chamber volume, points corresponding to the expansion of different types of fluid (shown for example as points 216 and 218 in FIG. 1A) can be indicated as occurring at specific chamber volumes.

Applicants argue the prior art does not disclose the fluid is being pumped from the formation, in contrast, Dave et al. injects fluid into the formation.

The downhole tool constitutes an arrangement of things forming a structure. The preambles do not "give life" to the recitation.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3672

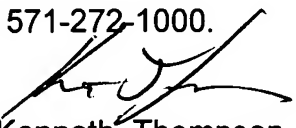
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5 October 2006

  
Kenneth Thompson  
Primary Examiner  
Art Unit 3672